

CONNAUGHTON - DIRECT

1 pointing at me. But he did have a stocking mask on his
2 face, so I really couldn't, you know, give you the
3 features, except that he was as tall as me or taller.

4 Q. Okay. And after he left, let's go back to that now.
5 What did you see or what did you do?

6 A. When I heard him hit the door and leave, I kind of
7 peaked over to my side there to make sure that they were
8 gone. When I realized they were gone, I kind of got on my
9 knees, went over and hit the alarm. After that, I got up
10 and I walked up to -- we have a rail that separates the
11 lobby from my office. I went up there so I could get a
12 better look at the car.

13 When I got up there, I could see a guy in the back
14 seat, and I could see that the car was just starting to
15 take off. So I saw what kind of car it was.

16 After they had left, I had one of the girls check on
17 the girl who was in the vault, and I got on the phone and
18 called 911.

19 Q. Can you tell us what kind of car it was?

20 A. Best of my knowledge, it was a maroon Oldsmobile,
21 probably late '80s or early '90s.

22 Q. I want to talk to you about video surveillance within
23 the bank. Is there any?

24 A. Yes. We have a number of cameras.

25 Q. How do the cameras operate?

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1 A. Well, they go continuously. They're on continuously
2 all day long. And they take, like, little snap pictures,
3 and they alternate from one camera to the other. So all
4 cameras don't, you know, don't show the pictures, just they
5 take turns. And it probably takes maybe ten seconds to go
6 through five cameras.

7 Q. So, if there is five cameras, you don't mean that
8 they're each snapping pictures continuously. They each
9 take a turn?

10 A. Take turns, right.

11 Q. Can you explain to the ladies and gentlemen of the
12 jury what dye packs are?

13 A. It's a combination of tear gas and also marked money,
14 but it's about that thick, and a device -- you take it off
15 a plate and you go through a field going out the door, it
16 will set it off when it gets outside that field.

17 Q. Okay. Can you explain to the ladies and gentlemen of
18 the jury what bait money is?

19 A. Bait money is bills that we will have on the money,
20 and we have the serial numbers recorded in case if they
21 would get caught, that it could be evidence.

22 MR. THAPAR: With the Court's indulgence, may I
23 speak with co-counsel for a second?

24 THE COURT: Of course. You don't need to ask
25 permission.

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1 MR. THAPAR: Okay. Thank you.

2 (Mr. Thapar conferring with Ms. Cross.)

3 Two more questions.

4 BY MR. THAPAR:

5 Q. When you heard them go out the door and one of them
6 and/or both of them said "don't move for 20 seconds," I
7 guess my first question is: Did you hear one or both of
8 them say that?

9 A. Just one.

10 Q. Could you tell if it was the one by you or the other
11 one?

12 A. It sounded close, so I just thought it was the guy who
13 was on me, but, again, I couldn't tell you for sure.

14 Q. Okay. And of the two bank tellers that you had there,
15 you mentioned that one was crying. Was one crying, or were
16 both crying?

17 A. I think just one.

18 Q. Could you tell which one it was?

19 A. Yes.

20 Q. Who was it?

21 A. It was Jenny, the one who was being taken into the
22 vault.

23 Q. What's her last name, if you know?

24 A. I'm blank.

25 Q. Okay.

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1 MR. THAPAR: Thank you, Your Honor.

2 THE COURT: Thank you, Mr. Thapar.

3 Mr. Felson, do you wish to cross-examine this
4 witness?

5 MR. FELSON: Yes.

6 THE COURT: You may proceed.

7 MR. FELSON: I guess I'll just stay right here.

8 CROSS-EXAMINATION

9 BY MR. FELSON:

10 Q. Okay. Sir, you have worked in the banking industry
11 for how long?

12 A. Thirty-four years. Well, actually it's longer than
13 that, but 34 years at that bank.

14 Q. All right. Now, have you ever been involved in a
15 situation with another robbery?

16 A. Not personally.

17 Q. Have you had some training about what to do when a
18 robbery takes place?

19 A. Yes, we have.

20 Q. Tell me a little bit about the training you were
21 supposed -- the things you're supposed to do.

22 A. Well, number one, you do exactly as the robber says so
23 we don't endanger anybody's life.

24 Q. Could I ask you just to put your hand down so I can
25 hear you just a little bit better? Thank you.

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1 THE COURT: Mr. Felson, hang on one second.

2 Can you turn the microphone just a little more
3 towards you? Just aim it a little bit. Good. Thank you.

4 MR. FELSON: Thank you. I appreciate that.

5 BY MR. FELSON:

6 Q. Okay. Do what the robber says, right? Correct?

7 A. Um-hum, right.

8 Q. What else? How about getting a description and that
9 kind of thing?

10 A. Yes. We have sheets that we fill out when they leave
11 while it's right there after it happened, so it's still
12 fresh. So we can, you know, jot down some things.

13 Q. Did you do that in this case?

14 A. Not really, not at that time, because the girl who was
15 in hysterics and wanting to call the police, and, instead
16 of actually filling out the form, I was talking to the
17 person on 911 and giving her a description to the best we
18 could.

19 Q. All right. Did you write the description down
20 anywhere?

21 A. Not at that time.

22 Q. How about later?

23 A. When they came to interview us one on one, we didn't
24 write it down, but we described it to the police officer.

25 Q. Okay. Now, you said that, I guess, there were two

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1 tellers involved, and one was Pam? Is that one, Pam
2 Philpot?

3 A. Right.

4 Q. Does that sound like one of them? Was she crying?

5 A. She was crying, and the other was Jenny Tettenhorst.

6 Q. Was Jenny crying?

7 A. Yes.

8 Q. So they were both crying?

9 A. They both were hysterical, but Jenny was the one I
10 heard, because she was in the vault.

11 Q. Okay. Now, one of the robbers stayed by you; is that
12 right? You have to answer out loud for the court reporter.

13 A. Yes. I'm sorry.

14 Q. And the other robber jumped the counter?

15 A. Yes.

16 Q. Let's describe the one. What was the one wearing who
17 jumped the counter?

18 A. I really don't know. I had about a flash of like
19 that, because he told me to get down that quick. So I
20 couldn't tell you.

21 Q. How about the one that was near you, can you describe
22 what he was wearing?

23 A. Dark clothes, I think. And I was looking mostly at
24 the gun and his stocking face at that time.

25 Q. He had something covering his face?

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1 A. Um-hum.

2 Q. You said he was a black man. How do you know that?

3 A. He appeared -- through the thing, it was dark. He was
4 dark.

5 Q. It was a black mask?

6 A. No, it wasn't a black mask.

7 Q. Was there something covering his face?

8 A. Like a nylon stocking-type mask.

9 Q. And through the nylon stocking you're saying he looked
10 like he was African-American?

11 A. Yes.

12 Q. Okay. Now, did you hear him speak?

13 A. Other than what he just said, what I told you already,
14 that's the only thing I heard.

15 Q. Can you give me a quote of what he said, or is what
16 you said sort of an approximation?

17 A. He told me to get my finger off of the alarm. He told
18 me to get down on the ground, face down with my hands
19 extended. He told me a couple times not to move. Couple
20 times he said, "The mailman's coming." And that's all that
21 I remember him saying.

22 Q. Now, you saw he had a shotgun?

23 A. Yes, sir.

24 Q. Do you have familiarity with guns? I mean, do you
25 know what a shotgun is?

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1 A. Yes.

2 Q. You know what a handgun is?

3 A. Yes.

4 Q. Are you an NRA member? Do you have any special
5 knowledge of weapons?

6 A. No, sir.

7 Q. But a shotgun, what is your definition of a shotgun?

8 A. One that's longer, generally has a pump action. And
9 he had his hand, like this, on it, and I could see the
10 barrel of it.

11 Q. You saw the barrel of it?

12 A. Um-hum.

13 Q. Okay. What else did you see about the gun? Anything
14 unusual about the gun?

15 A. No.

16 Q. Okay. Now, if there was something -- oh. Aren't you
17 trained to look for something unusual about somebody? If
18 somebody is six foot six, you would make a note of that,
19 right?

20 A. Um-hum. Like I said, I just had a flash, because he
21 told me that quick to get down.

22 Q. But you did get a good look at the gun?

23 A. Yes.

24 Q. Now, the gun, was it a dark colored gun? I guess, if
25 it was painted purple, you would probably notice that?

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1 A. It was dark colored.

2 Q. Okay. A typical metal gun?

3 A. Black metal and wood.

4 Q. Okay. Wood, what color wood? Just regular?

5 A. Dark. Dark.

6 Q. But you saw the metal part, and you saw the stock and
7 the different -- you saw the wood, the handle?

8 A. Um-hum.

9 Q. Yes?

10 A. Yes.

11 Q. Okay. Now, once you did that, of course, you told the
12 police there was a shotgun involved, right?

13 A. Yes.

14 Q. Okay. Did you describe the shotgun to the police?

15 A. Yes. When we were interviewed one on one, I did.

16 Q. Did the police look like they were writing it down,
17 what your description was of this shotgun?

18 A. I believe so.

19 Q. Did you get a brand name from the shotgun?

20 A. No.

21 Q. Tell me about the pistol. Was there one or two
22 handguns involved that you know?

23 A. Well, the guy who jumped up on the counter, I could
24 see he had a gun. It wasn't a shotgun. It was a regular
25 gun you hold in one hand. But, again, it was just a flash

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1 of a second.

2 Q. Okay. Were either of the people accused of the --
3 well, I'm going to withdraw that. Were either of the
4 people that went in the bank, that committed this robbery,
5 did either of them smoke?

6 A. They weren't at that time that I know of.

7 Q. Did either of the people that went into the bank take
8 off any -- were they wearing gloves? I'll ask you that.
9 Were they wearing gloves, either of them?

10 A. I couldn't answer that. I don't know.

11 Q. You don't know whether they were or not?

12 A. Uh-uh.

13 Q. Okay. Now, I guess you were pretty much pinned, your
14 eyes were pinned to that shotgun. I imagine that was
15 pretty scary for you.

16 A. For probably a second, yes.

17 Q. All right. So, do you know whether either of them
18 touched anything other than -- in other words, the guy near
19 you had the shotgun in his hand, and you said at one point
20 you felt the shotgun. I assume you thought it was the
21 shotgun touching you. Was that a "yes"?

22 A. Yes. I'm sorry.

23 Q. Did you actually see the shotgun touch you?

24 A. No.

25 Q. Okay. Do you know if any of them touched anything?

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1 When they came in, did they touch the door handle, either
2 of them?

3 A. I didn't see it. The first time I saw them, they were
4 already in the lobby.

5 Q. Does the door open automatically?

6 A. No.

7 Q. So someone would have to touch it physically to open
8 it?

9 A. Um-hum, yes.

10 Q. Unless somebody opened it for them?

11 A. Yes.

12 Q. Do you know whether either of the people that went in
13 the bank to rob the bank -- I know one guy jumped up on the
14 counter, right?

15 A. Yes.

16 Q. Do you know if the police, did they dust for prints?
17 Did you see them? In other words, did you see some of the
18 investigation after the robbery took place?

19 A. No.

20 Q. Did you leave the bank at that time after the robbery,
21 close down and just let the police do their work in there?

22 A. Well, we let the police do their work. They were
23 interviewing us, took us one by one in the back room and
24 interviewed us.

25 Q. How many police were there working at the scene of the

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1 crime?

2 A. I don't know. Maybe five, six.

3 Q. How many were interviewing you?

4 A. Two different ones did, two different times.

5 Q. How about the girls, how about Pam, how many
6 interviewed her?

7 A. Same thing, interviewed by a couple different ones.

8 Q. But not at the same time?

9 A. No.

10 Q. Jenny the same thing?

11 A. Yes.

12 Q. I guess what I'm asking, were there other police
13 officers there doing work other than the interviews?

14 A. Yes.

15 Q. What kind of work were they doing? What did you see
16 them doing?

17 A. They roped it off. They were looking at footprints
18 that were on the counter. That much I know.

19 Q. How about footprints that weren't on the counter? In
20 other words, just on the counter or everywhere?

21 A. As far as I know, because I didn't see the whole
22 investigation, it was just on the counter.

23 Q. I'm just asking you what you saw, okay, or what you
24 heard. All right?

25 A. Yes.

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1 Q. You saw several officers conducting an investigation
2 in the bank, right?

3 A. Um-hum, yes.

4 Q. Yes. And they roped it off, right?

5 A. Yes.

6 Q. And they closed it for business?

7 A. Right. Yes.

8 Q. How long were they in there doing an investigation of
9 these various things that they were doing?

10 A. Well, including the interviews?

11 Q. Yes. In other words, how long was it?

12 A. Three hours maybe, two or three hours.

13 Q. Okay. Were you there the whole time?

14 A. Yes, I was.

15 Q. Did you eventually get to go home?

16 A. Yes, I did.

17 Q. Send yourself home early? Take the day off?

18 A. Not early, no. It was later than usual.

19 Q. All right. What time did you finally get home? From
20 the bank I'm talking about, not getting something to eat or
21 something. In other words, how long were at the bank
22 before you went home?

23 A. I would estimate five o'clock.

24 Q. Same with Jenny and Pam?

25 A. Yes.

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1 Q. The officers, were they there when you left?

2 A. A couple of them stayed there until we left.

3 Q. All right. Did you see them dusting for prints?

4 A. No, I didn't.

5 Q. Okay. You don't know if they weren't; you just didn't
6 see them?

7 A. Right.

8 Q. How about, I mean, did they have any, like, electronic
9 gadgets they were using? Did you see any of their
10 instruments that they were using?

11 A. No, I didn't.

12 Q. Okay. Is it because you didn't pay attention or you
13 were just doing something else?

14 A. I really wasn't paying attention to that. I was busy
15 with interviews and talking to people at the bank.

16 Q. And of course you had to figure out how much money was
17 missing?

18 A. I didn't have to figure that out.

19 Q. Somebody did?

20 A. Right.

21 Q. Well, whose job was that?

22 A. Security.

23 Q. Were they there, too? Did they come at that time?

24 A. They came. They came eventually, yes.

25 Q. Was anybody, while the police were conducting their

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1 investigation and looking at the footprints and various
2 other things that you're not sure they were doing, but you
3 know they were doing something, did they let anybody who
4 was not a police officer into the area where they were
5 conducting the investigation? In other words, did security
6 come in while the police were doing their investigation?

7 A. Well, yes.

8 Q. Okay.

9 A. But their investigation lasted a while, so security,
10 as soon as they got there, we let them in.

11 Q. Okay. So they were not subject to -- in other words,
12 they roped it off, but they didn't rope off the security
13 people; they let the bank security people come on in?

14 A. Yes.

15 Q. Now, security, I assume, had to go into the tellers'
16 drawers and into the vault and around the bank to determine
17 what was missing?

18 A. Yes.

19 Q. Is that right? Do you know, were they wearing gloves?
20 What was stopping them from messing up the evidence that
21 the team of officers was trying to gather?

22 A. I guess they told them they were finished; they didn't
23 need her.

24 Q. Do you know that for a fact, or are you just assuming?

25 A. They don't go into the windows until they are given

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1 the okay to go into the windows.

2 Q. Okay. And so you're assuming they were given the
3 okay?

4 A. Right.

5 Q. How much after the robbery did they -- were the
6 security guys from the -- these are bank employees, right?

7 A. Yes.

8 Q. Security people are from the bank. We're not talking
9 about the officers. They're security in a different way.

10 A. They're security.

11 Q. Okay. But how much time did the officers spend doing
12 an investigation before you saw the security people
13 actually going into the windows and doing their job?

14 A. It was a while. I'm again just estimating.

15 Q. Couple hours?

16 A. Maybe an hour and a half, hour. I don't know.

17 Q. That's fair enough. Okay. How about the vault? Now,
18 you were shown a -- was there a picture of the vault? Have
19 we showed that picture yet? Is that the vault where the
20 actual robber went into?

21 A. Yes.

22 Q. Does that vault have any unusual safety features?

23 A. Like what do you mean?

24 Q. Can you take photos in that vault?

25 A. If you had a camera.

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1 Q. There is no camera all the way in there already?

2 A. No.

3 Q. Now, you saw the pictures that were presented and you
4 identified. You saw the pictures that you identified, and
5 you identified different shots of the bank, of the inside,
6 the vault and all that stuff?

7 A. Yes.

8 Q. Were there other pictures that you happened to have
9 seen during the course of discussing matters with the
10 prosecution and with the police officers? Were there other
11 pictures that you haven't identified of the bank?

12 A. I don't think so.

13 Q. Okay. How many -- do you know how many pictures there
14 were of the two robbers that came into the bank, how many
15 different pictures there were?

16 A. No, I don't.

17 Q. Who was in charge of getting the pictures from the
18 bank's camera in order to present them to the police?

19 A. I think I popped it out.

20 Q. Popped it out, what do you mean?

21 A. Pressed a button to eject the tape, and then the
22 officer took it.

23 Q. Okay. Is there one tape?

24 A. Just one tape.

25 Q. You popped it out, gave it to the officer, right?

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1 A. Popped it out.

2 Q. Now, this particular tape covers how many different
3 cameras?

4 A. Five.

5 Q. Five different cameras. And does it repeat itself, or
6 does it -- it takes five different pictures one at a time,
7 right?

8 A. Right.

9 Q. And then it repeats five different pictures one at a
10 time starting from the beginning?

11 A. No.

12 Q. I'm guessing. You tell me how it works.

13 A. It takes five pictures. It doesn't rewind the tape.
14 It just continues on the tape. The tape lasts for a week.

15 Q. Okay. So during the course of -- how long does it
16 take to take five pictures?

17 A. I would estimate about close to about ten seconds I
18 would say.

19 Q. So you're saying ten seconds, 60 seconds in an hour.
20 It goes five cycles, 25 pictures per minute. 60 seconds in
21 a minute, 25 pictures in a minute; is that safe to say?

22 A. That's fair, yes.

23 Q. Okay. And how many minutes were the robbers in, in
24 the bank, actually in the bank?

25 A. I don't know, but it seemed like they were in there

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1 two, three minutes.

2 Q. Okay. So theoretically there could be about 50,
3 maybe, pictures of the bank robbers?

4 A. Yes, theoretically.

5 Q. Maybe 75 if they were in for three minutes?

6 A. Yes.

7 Q. And these would be different angles of the bank
8 robbers, front, back, side?

9 A. Yes.

10 Q. Now, let's see. You say you saw three people in the
11 motor vehicle as it was leaving. But I think -- I'm not
12 sure you actually said you saw three. You said you saw
13 somebody in the back seat?

14 A. I saw someone in the back seat.

15 Q. So you assume there was three?

16 A. I assumed there was three, since he was in the back
17 seat.

18 Q. Of course, if someone just got in the driver's seat
19 and somebody just hopped in the back seat for whatever
20 reason, then you would be wrong; there wouldn't be three;
21 there would be just two?

22 A. Right.

23 Q. Okay. And the car was -- what was it? What kind of
24 car did you see?

25 A. I believe it was a Oldsmobile, late '80s or early

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1 '90s, and the only reason I think that is because I had a
2 '92 Buick, and the Buick back ends and the Oldsmobile back
3 ends were similar in those years. And I knew it was a
4 maroon color.

5 Q. Was it a beat-up car, good shape?

6 A. Far as I could tell, it wasn't beat-up. It was
7 average shape.

8 Q. Looked like it was well cared for?

9 A. Average.

10 Q. Not in a big accident?

11 A. Um-hum.

12 Q. Okay. Did the robbers have any discussion between
13 themselves, either coming in or going out at any time?

14 A. Only the fact that he says, "Hurry up. The mailman's
15 coming." That's the only discussion I heard.

16 Q. That was "Hurry up. The mailman's coming"?

17 A. Um-hum.

18 Q. Is that "yes"?

19 A. Yes.

20 Q. There was actually a mailman coming into the bank?

21 A. I don't know. I didn't see a mailman.

22 Q. Did a mailman ever show up in the bank?

23 A. No.

24 Q. Had your mail ever been delivered that day?

25 A. Not to my knowledge.

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1 Q. Is the mail usually delivered in the afternoon?

2 A. Yes.

3 Q. About what time?

4 A. About the middle of the afternoon usually.

5 Q. That's what time this occurred?

6 A. Yes.

7 Q. So it's possible that one of the robbers did see a
8 mailman or see your mailman?

9 A. Yes.

10 Q. Okay. All right. Now, did you discuss with Pam and
11 Jenny what you saw? In other words, did the three of you
12 discuss what you saw and try to put together a synopsis of
13 what happened for the police? Or did you all --

14 A. We didn't talk among ourselves, no.

15 Q. How --

16 A. We were busy at that time. Pam was attending to
17 Jenny, making sure she was okay, and she was in shock. I
18 was busy on the phone talking to the 911 until the police
19 got there.

20 Q. Now, Jenny was the one that took one of the robbers
21 back to the vault, right?

22 A. Correct.

23 Q. And you're saying she was upset. But apparently she
24 did a pretty good job doing what she was supposed to do.
25 She took them where she was supposed to take them, and she

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1 held up pretty well, as far as I understand.

2 A. If you call being in shock pretty well.

3 Q. She took them back there, right?

4 A. She was hysterical.

5 Q. Nobody got hurt, right?

6 A. Nobody got hurt.

7 Q. Okay. All right. And she did what she was trained to
8 do; isn't that right?

9 A. Yes, she did what she was told to do.

10 Q. Good. All right. Now, as far as identifying the
11 different robbers, were you given a lineup or a group of
12 pictures to look at?

13 A. No, I wasn't.

14 Q. No?

15 A. No.

16 Q. Never?

17 A. No.

18 Q. Later by the police?

19 A. No.

20 Q. Okay. Did you get a look at the robber that jumped
21 over the counter?

22 A. No.

23 Q. All right. Were you given a picture of shotguns to
24 look at or handguns or anything else that the robbers might
25 have been wearing to determine if that was the gun or if

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1 that was the clothes?

2 A. No. I didn't see any kind of pictures of any guns.

3 Q. You weren't shown any by the police?

4 A. They just asked me. They didn't show me anything.

5 Q. Either later?

6 A. Right.

7 Q. How about in preparation for your testimony today?

8 A. No. They didn't show me anything.

9 Q. All right. Did you have some discussions about your
10 testimony today with the prosecutors and police officers?

11 A. Today?

12 Q. Yes. I mean about your testimony.

13 A. No, not really.

14 Q. Okay. All right. How big is the bank? Could we get
15 some idea of, you know, of the size of the building that
16 we're talking about?

17 A. Probably the lobby area, the teller area and my office
18 area is probably as big as this room if these things were
19 perfectly square.

20 Q. How many feet were you from the teller and the
21 gentleman that jumped over the counter? How many feet away
22 were you from him?

23 A. Probably about 15 yards.

24 Q. Fifteen yards, okay. All right. But you were right
25 next --

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1 A. Or less.

2 Q. But you were right next to the other guy?

3 A. Yes.

4 Q. You heard his voice. Was there anything unusual in
5 his voice?

6 A. Not unusual.

7 Q. Could you tell if he was an older man, a younger man?

8 A. No.

9 Q. I guess it wouldn't help you to look at these
10 gentlemen. You can't identify them, can you, either one of
11 these guys?

12 A. I wish I could, but I can't. Didn't see them. I mean
13 just a flash.

14 Q. Very good. Tell me about dye packs. Were dye packs
15 put in any of this \$150,000? Did any of this \$150,000
16 contain a dye pack?

17 A. No.

18 Q. Okay. Did any of the 150 or 153 -- when I say 150, I
19 mean the money stolen. None of it contained a dye pack.
20 Did any of it contain bait money?

21 A. No.

22 Q. All right. Did any of it contain any money that
23 wasn't in clean money that would be, I guess, processed in
24 regular commerce?

25 A. No, no.

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1 MR. FELSON: Let me see if there is anything
2 else. I think I'm about done with this witness.

3 That's all I have. Thank you.

4 THE COURT: Thank you, Mr. Felson.

5 Mr. Walter Pugh, do you wish to ask any
6 questions?

7 CROSS-EXAMINATION

8 BY DEFENDANT W. PUGH:

9 Q. Sir, can you hear me?

10 A. Yes.

11 Q. Is this your statement that you gave to the police on
12 the 24th?

13 THE COURT: I think we need -- he needs to better
14 look at it than from there.

15 Mr. Snyder, can you hand that to the witness,
16 please?

17 You want to show it to the government first,
18 Mr. Snyder, and make sure they have seen it?

19 (Handing a document to the witness.)

20 Do you want that marked? Do we have any exhibit
21 numbers for Mr. Walter Pugh already or Defendant?

22 THE WITNESS: That's the one I gave him.

23 THE COURT: This will be Defendant's Exhibit SS.

24 You can go ahead and ask a question about it,
25 Mr. Pugh.

CONNAUGHTON - CROSS

1 BY DEFENDANT W. PUGH:

2 Q. Sir, in your statement --

3 THE COURT: I think you need to ask the first
4 question first. You want to ask him if he's seen this
5 before?

6 DEFENDANT W. PUGH: Yes. Is it true?

7 THE COURT: Is that your statement, sir?

8 THE WITNESS: Yes, that looks like the one I gave
9 him.

10 BY DEFENDANT W. PUGH:

11 Q. To the best of your knowledge?

12 A. Yes.

13 Q. In your statement, there is some conflict of
14 interests. Please understand I don't practice the law.
15 Starting today, my practice is facts. If it's not facts --
16 in Government Exhibit 5.1 and 5.2, it's concerning your
17 statement, 5.1 and 5.2.

18 MR. THAPAR: Your Honor, I'm just going to
19 object, because I don't think they're in evidence yet, and
20 I don't think this witness has seen them.

21 THE COURT: Yes. He doesn't know what you're
22 talking about. Do you want him to look at 5.2?

23 DEFENDANT W. PUGH: Yes. I want them on the
24 stand.

25 THE COURT: Well, first, they have to be

CONNAUGHTON - CROSS

1 admitted. First somebody has to identify what 5.1 is.

2 DEFENDANT W. PUGH: 5.1 is the --

3 THE COURT: Not you. A witness. You can't
4 testify. We need a witness to do that. You can ask a
5 question about the exhibit of the witness.

6 BY DEFENDANT W. PUGH:

7 Q. Okay in, Government Exhibit 5.1, it appears --

8 THE COURT: Wait. You have to -- you know, I
9 don't think he's got 5.1 in front of him. I think 5.1 is a
10 videotape.

11 DEFENDANT W. PUGH: Yes, ma'am.

12 THE COURT: Okay. Is that Government Exhibit
13 5.1, Steve?

14 We have put in front of the witness what has been
15 marked as Government Exhibit 5.1, which appears to be two
16 videotapes.

17 BY DEFENDANT W. PUGH:

18 Q. In Government Exhibit 5.1 and 5.2, it appears that the
19 alleged robbers entered the bank along at 2:21 and 27
20 seconds?

21 THE COURT: Mr. Pugh, I'm sorry to interrupt you
22 again, but you have got to do what's called laying a
23 foundation. First you have to establish this witness knows
24 something about the exhibit you're asking him. So you have
25 got to ask him if he's ever seen these videotapes before.

CONNAUGHTON - CROSS

1 Sir, are you familiar with the videotapes?

2 THE WITNESS: I never saw the videotapes.

3 BY DEFENDANT W. PUGH:

4 Q. In your statement --

5 THE COURT: Now, are you referring back to your
6 Exhibit SS?

7 DEFENDANT W. PUGH: Yes.

8 BY DEFENDANT W. PUGH:

9 Q. In your statement, you stated the car was a mid- '80s
10 Oldsmobile maroon in color. It was decent shape, clean.
11 There where no stickers on it. I did not look -- it did
12 not look wrecked. You thought you saw a guy in the back
13 seat, which tells me there were three people in the car.

14 My point was, "the guy -- the guy with the shotgun
15 that stayed with me the whole time, the guy stayed with me
16 the whole time." If I could have showed you 5.1 and 5.2,
17 it shows that the guy in that bank was not with you the
18 whole time.

19 A. I couldn't see.

20 Q. You said you kept looking up at him and seen him.

21 A. No. I couldn't keep looking up at him. I looked
22 straight down.

23 Q. Did you talk to Special Agent Morgan -- Moran?

24 A. Yes.

25 Q. Did you give him your statement? This what you gave

CONNAUGHTON - REDIRECT

1 him?

2 A. He was one of them I gave it to. I gave it to a
3 couple.

4 DEFENDANT W. PUGH: Thank you, sir.

5 THE COURT: Thank you, Mr. Pugh.

6 Any redirect examination by the government?

7 MR. THAPAR: Yes, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. THAPAR:

10 Q. I'm going to direct your attention first to the
11 questions Mr. Felson was asking, and Mr. Felson asked you a
12 number of questions about identification. And I want to
13 ask you, when this armed robbery was occurring, how did you
14 feel?

15 A. I was a little scared.

16 Q. Okay. And were you more concerned with your safety
17 and the safety of the tellers or who was committing the
18 robbery?

19 A. I was concerned about our safety, especially the one
20 in the vault.

21 Q. Okay. And so did that affect -- I mean, did that
22 affect your ability to identify the robbers?

23 A. I don't think so. I just didn't get to look at them
24 long enough. If I had got a little bit longer look at
25 them, I probably, you know -- but the only one I had a

CONNAUGHTON - REDIRECT

1 chance to see, the other one was just a flash, you know.
2 And this one in front of me, you know, he told me real
3 quick to get down. So, and I was looking at the gun,
4 because it was right there.

5 Q. And after the robbery, were you still shaken up?

6 A. Yes.

7 Q. Okay. And so were you concerned with what the police
8 was doing?

9 A. Well, I mean --

10 Q. Let me ask you a different way. Strike that. Was it
11 your responsibility to worry about how the investigation
12 was conducted?

13 A. No, it wasn't.

14 Q. How many people, if you can recall, from bank security
15 came into your office, to the branch?

16 A. From bank security was just one. We got three people
17 in bank security. One was out of town, and one had to stay
18 at the office. But we had a couple people from branch
19 administration come down, my boss in particular, and then
20 her boss. So they helped conduct the audit of the money.

21 Q. And is that all they did is an audit of the money, to
22 your knowledge?

23 A. Of the bank people, yes.

24 Q. Now, let me ask you this again. I'm sorry to jump
25 around a little. We're back to the identification. Did

CONNAUGHTON - REDIRECT

1 you see either of the robber's faces?

2 A. I saw the face with the mask over it.

3 Q. Okay. And that's all you saw of the faces of the
4 robbers?

5 A. Right.

6 Q. So, if you were shown a lineup or a photo spread,
7 would you have been able to identify the robbers?

8 A. Probably not.

9 Q. While you were in the back, did you hear either of the
10 robbers refer to dye packs or bait money?

11 A. No, I didn't.

12 Q. One final question, or I guess I have two questions.
13 I'm sorry. How many people came in the bank to rob the
14 bank?

15 A. Two.

16 Q. And did Jenny take a robber to the vault, or did the
17 robber take Jenny to the vault?

18 A. I couldn't see.

19 Q. Okay. No further questions.

20 A. I knew they were both back there. That's all.

21 MR. THAPAR: No further questions, Your Honor.

22 THE COURT: Thank you, Mr. Thapar.

23 Mr. Felson, do you have any additional
24 cross-examination?

25 MR. FELSON: Yes. Clear one thing up.

CONNAUGHTON - RECROSS

RECROSS-EXAMINATION

1
2 BY MR. FELSON:

3 Q. You said you were concerned with your safety, and I
4 think you said, instead of looking at the robbers, you were
5 looking at the gun. Is that what you testified, that you
6 saw more of the gun than the robbers? Is that a fair
7 statement?

8 A. I guess.

9 MR. FELSON: Okay. That's all I have. Thank
10 you.

11 THE COURT: Mr. Walter Pugh, do you have any
12 additional questions?

13 DEFENDANT W. PUGH: No ma'am.

14 THE COURT: Okay. Mr. Connaughton, the Court
15 appreciates very much your coming here, and you are
16 excused, sir.

17 It's about 4:30, so I think we will recess for
18 the day. I'm going to ask that you be back here tomorrow
19 morning, ladies and gentlemen, at 8:45.

20 Steve, do they go to 917 to check in?

21 You go up to 917 to the big jury room upstairs to
22 check in, and then you will come down here to room 828.
23 And we should have doughnuts for you and coffee in the
24 morning.

25 We'll start promptly at nine o'clock tomorrow

1 morning, and we will go, as I mentioned before, from
2 approximately nine to noon and then 1:30 to 4:30 to five
3 with a couple of breaks.

4 Since we're about to take our recess, I want to
5 tell you that, during this recess or any other recess, you
6 must remember not to discuss this case with anyone,
7 including your fellow jurors, members of your family,
8 people involved in the trial or anyone else. If anyone
9 tries to talk to you about the case, please let me know
10 about it immediately.

11 Do not read, watch or listen to any news reports
12 of the trial. And, finally, keep an open mind until all
13 the evidence has been received and you have heard the views
14 of your fellow jurors.

15 I may not repeat these things to you before every
16 recess, but please keep them in mind throughout the trial.

17 We'll see you tomorrow morning.

18 (Jury excused from the courtroom.)

19 THE COURT: Ms. Cross and Mr. Thapar, who are you
20 intending to call tomorrow, and approximately how long do
21 you think the witnesses are going to be?

22 MS. CROSS: We intend to call the two bank
23 tellers, who we provided Jencks for and Giglio information
24 for. Mr. Wolfe, who is the Ser Tech Investigations person
25 that made the copy of the video, who we provided

1 information about. Donna Caudell, who is the bank security
2 officer that went into the bank. We provided Jencks and
3 Giglio for that person as well. And I think we probably
4 will get through Jim Calhoun, Detective Jim Calhoun, which
5 they will be provided the Jencks and Giglio for today when
6 the Court recesses.

7 THE COURT: And you think that will pretty much
8 fill the day?

9 MS. CROSS: We may be able to get a property
10 officer and maybe Deputy Matthew Wittich.

11 THE COURT: Is he Hamilton police?

12 MS. CROSS: Hamilton County Sheriff's Office.

13 THE COURT: When are you intending to finish your
14 case in chief? On Thursday?

15 MS. CROSS: We may get through most of it
16 tomorrow, but I think Thursday.

17 THE COURT: Thursday you will get done. Okay. I
18 just wanted some idea.

19 Anything to come before the Court before we
20 recess?

21 MR. FELSON: Just maybe an admonition to the
22 witnesses not to talk about their testimony. Only one
23 testified. I'm not sure if Mr. -- if this gentleman who
24 testified today knows that he's not supposed to tell the
25 other tellers what he was talking about on the stand.

1 THE COURT: I'll instruct the government to
2 advise all of their witnesses of that.

3 MR. FELSON: Thank you.

4 THE COURT: Anything further before we recess?

5 I would like to have counsel in the courtroom at
6 a quarter of nine tomorrow just in case there is anything
7 you want to bring to the Court's attention. You just need
8 to contact Mike or Aly or Steve, and they will let me know,
9 and we will deal with it before nine o'clock so we can get
10 the jury promptly in the box at nine a.m.

11 Thank you everyone.

12 COURT IN RECESS AT 4:30 P.M.

13

14

15

16 C E R T I F I C A T E

17 I, Betty J. Schwab, the undersigned, do
18 hereby certify that the foregoing is a correct
19 transcript from the record of the proceedings in
20 the above-entitled matter.


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24

25


BETTY J. SCHWAB, RPR
Official Reporter